

Hearing Officer / Board of Adjustment

City of Tempe
P. O. Box 5002
31 East Fifth Street
Tempe, AZ 85280-5002
480-350-8331 TDD 480-350-8400



(Please Type or Print in Black Ink)

PROPERTY OWNER:

Name: _____

Address: _____ Phone: _____

City / State / Zip: _____ Fax: _____

OTHERS TO BE NOTIFIED:

Name: _____

Address: _____ Phone: _____

City / State / Zip: _____ Fax: _____

I have read the procedure for applying for a variance/use permit and understand that if my application is not complete in all respects, it will not be scheduled until such time as it is complete. I also understand that I or my representative must be present at the meeting. All required fees are due when application is submitted

Applicant's Signature	Date	Owner's Signature (or letter of authorization)	Date
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REQUEST: ☐ Use Permit ☐ Zoning Administrator's Opinion ☐ Variance

PROPERTY DESCRIPTION:

Zoning District _____ Lot Size _____

Parking Required _____ Parking Provided _____

Existing Building Area _____ New Building Area _____

Max Bldg. Height Allowed _____ Bldg. Height Requested _____

Setbacks Provided: _____
Front Side Rear Side Street

The following item(s) shall be verified prior to processing:

Parking spaces required per ordinance: _____	Building Safety (Plans Examiner's Signature) _____
Actual parking spaces available on the site _____	Date: _____
per the property record card: _____	
Parking spaces requested by applicant: _____	

For Department Use Only Required Item Check List

<input type="checkbox"/> Letter of Explanation	<input type="checkbox"/> 8.5" x 11" Scaled Floor Plan	Staff Member _____	Date Submitted _____
<input type="checkbox"/> Mailing Labels	<input type="checkbox"/> 8.5" x 11" Scaled Elevation	Deadline Date _____	Hearing Date _____
<input type="checkbox"/> Ownership Map	<input type="checkbox"/> 8.5" x 11" Scaled Site Plan	Case # _____	Application Fee/Check # _____
<input type="checkbox"/> Ownership List	<input type="checkbox"/> 24" x 36" Scaled Site Plan		
OR <input type="checkbox"/> Signed Authorization Letter	<input type="checkbox"/> Photographs		

NOTE: APPLICANT OR REPRESENTATIVE MUST ATTEND PUBLIC MEETING

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Required Items for Variance or Use Permit Application

Application (Page 1)

Form to be filled out with the requested information, signed by applicant AND property owner, and submitted, together with items indicated below, to the Development Services Department. The form shall have the signature of the appropriate agent from the Building Safety Division. Obtain submittal and hearing dates from the Planning Division.

Letter of Explanation

Letter from the applicant to the Hearing Officer/Board of Adjustment that describes the proposal in detail. **THE LETTER MUST BE SIGNED BY THE APPLICANT OR REPRESENTATIVE:**

- a. For a VARIANCE, state the variance requested, why it is necessary and what cannot be changed on your project to comply with the normal requirements, and what special circumstances affect your property which make it different from the nearby properties:

The letter must include an answer or justification to the following ordinance required tests:

1. that there are special circumstances or conditions applying to the land, building or use referred to in the application; and
2. that the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
3. that the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general; and
4. make any changes in the uses and densities permitted in any zoning classification or zoning district; and
5. be for the purpose of rectifying a special circumstance which was self-imposed by the property owner or applicant; and
6. allow relief from any item expressly prohibited by this ordinance.

- b. For a USE PERMIT, describe the use or if a business, describe the operation, hours, number of employees, customers, etc. and how it will affect the surrounding area:

The letter must include an answer or justification to the following ordinance required tests:

1. the use will not cause any significant vehicular or pedestrian traffic in adjacent areas; and
2. not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions; and
3. not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City; and
4. be compatible with existing surrounding structures; and
5. not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.

Ownership Map/List (Page 5)

A map and list showing the properties within a radius of 300 feet of the exterior boundaries of the lot, together with the number indicated for each lot. Information is obtainable from the County Assessor's Office or from a title company.

Mailing Labels (Page 5)

Submit **typed or printed adhesive labels** containing names and mailing addresses of owners of properties within a radius of 300 feet of the boundaries, and the names and mailing addresses of tenants within the boundaries of the parcel, as indicated on and identified by the same number as on the ownership map, and the name and mailing addresses of tenants within the boundary of the parcel. Correct Zip Codes must be shown for each address.

NOTE: The City of Tempe will provide the ownership map, mailing list and labels, if the applicant signs the authorization form found on Page 8 of this application.

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Legal Process After Submittal of Application

Public Notice

At least 15 days prior to the public hearing, the Development Services Department will:

1. send a Public Hearing Notice by first class mail to property owners within 300 feet of the affected parcel;
2. send a Public Hearing Notice to tenants within the boundary of the parcel;
3. advertise the Public Hearing Notice in the East Valley Tribune newspaper; and
4. post a Public Hearing Notice on the property. You may contact these property owners to explain your request if you wish.

Public Hearing

The Board of Adjustment meets on the 4TH WEDNESDAY OF EACH MONTH, 7:00 PM, IN THE CITY COUNCIL CHAMBERS.* Hearing Officer meets on the 1ST AND 3RD TUESDAY OF EACH MONTH, 1:30 PM, IN THE CITY COUNCIL CHAMBERS.* You or your representative MUST BE PRESENT to explain your situation and to answer questions which may arise in consideration of the matter. Persons for and against the request are given an opportunity to be heard. A report and recommendation by the Planning Division will be considered by the Hearing Officer/Board of Adjustment.

* Subject to change.

Hearing Officer/ Board Action

If the Hearing Officer/Board finds that the facts presented in the matter justify approval, the request may be approved, and conditions deemed necessary to preserve the intent of the Zoning Ordinance may be imposed. The Hearing Officer may refer any case, which cannot be resolved, to the Board for disposition. If the Board finds that the facts presented do NOT justify approval, the request may be modified or denied. In the event of extenuating circumstances, the Board may continue any case until a future date.

Notice of Action/ Appeals

You will be notified of the Hearing Officer/Board action by mail. Objections to a decision of the Hearing Officer may be submitted to the Board as an appeal within seven (7) calendar days. Any appeal of a Board of Adjustment action may be appealed to the Superior Court within 30 days of a Board action.

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Hearing Fees and Requirements

Criteria

To obtain a favorable staff recommendation and speed processing, the following are required:

- ◆ Completed application
- ◆ Letters of support from adjacent property owners
- ◆ Letter of support from Neighborhood or Homeowners Association

Presence Required At Public Hearings

It is the Hearing Officer/Board requirement that the applicant or representative who is capable of answering questions concerning the application be present. Failure to appear may result in continuance of your application or its denial. Extenuating circumstances will be considered if you cannot attend; written explanation to be provided to the Development Services staff prior to the meeting.

Application Fee

Fee (cash or check payable to City of Tempe) in accordance with the schedule below is to be submitted with application. More than one variance or use permit may be requested on one application, but the fee shall be the total of the required fees for each request (except single family variances).

Use Permit(s)

Single Family Dwelling Units	\$100 per lot
All Other Uses	\$300 per use
Unauthorized Activity	Twice the normal fees (May be waived by Development Services Mgr.)

Variance(s)

Single Family Dwelling Units	\$100 per lot
One (1) Duplex on a Single Lot	\$200 per lot
One (1) Triplex on a Single Lot	\$200 per lot
One (1) Fourplex on a Single lot	\$200 per lot
All Other Uses	\$300
Unauthorized Construction/Installation	Twice the normal fees (May be waived by Development Services Mgr.)

Written Administrative Decisions, Written Ordinance Interpretations and Appeals Of Zoning Administrator Opinions:

Single Family Dwelling Units	\$100 per lot
All Other Uses	\$300 each

Special Hearings	\$300 + normal fees
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Appeal of Board or Commission Action:

Single Family	\$100
All Other	\$300

Reconsiderations	Same as original fees
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Continuance at request of applicant with no outstanding violations on site	\$100
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Public Hearing Notice Signs	\$25 per sign for 2 acres or more (single family residential exempt)
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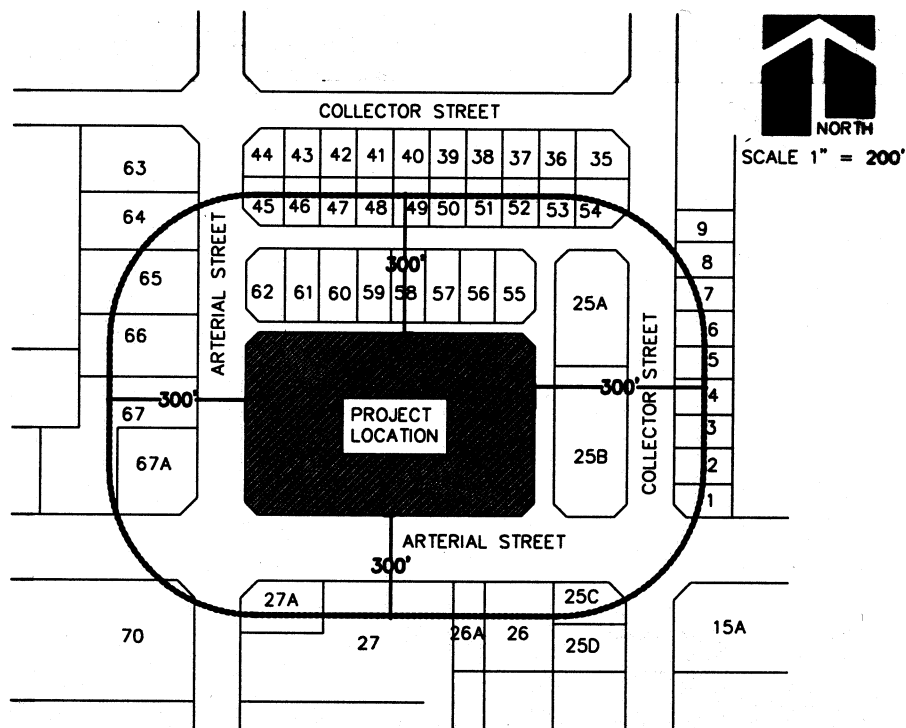


Instructions for Property Ownership Mailing List

1. Print clearly or type owner's name and address, including zip code.
2. Use only black ink.
3. Center address within the block.
4. See example below, to create labels with adhesive back.
5. Ownership list may be obtained through a Title Company, Maricopa County Recorder, or City of Tempe Development Services Department

Jonathan & Marsha Downey
1116 South McClintock Drive
Tempe AZ 85281

Typical Ownership Map



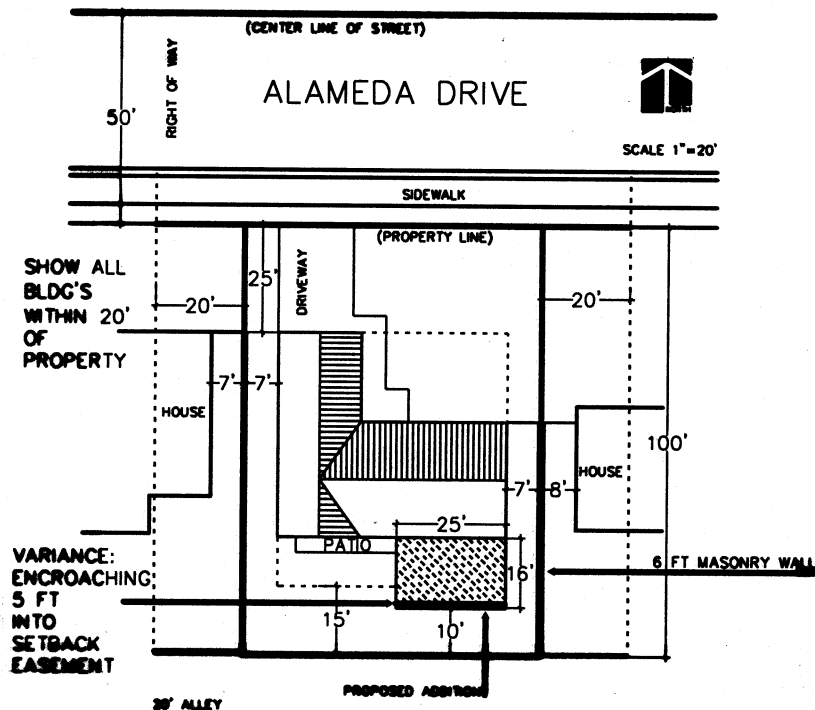
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Typical Site Plan (Residential)

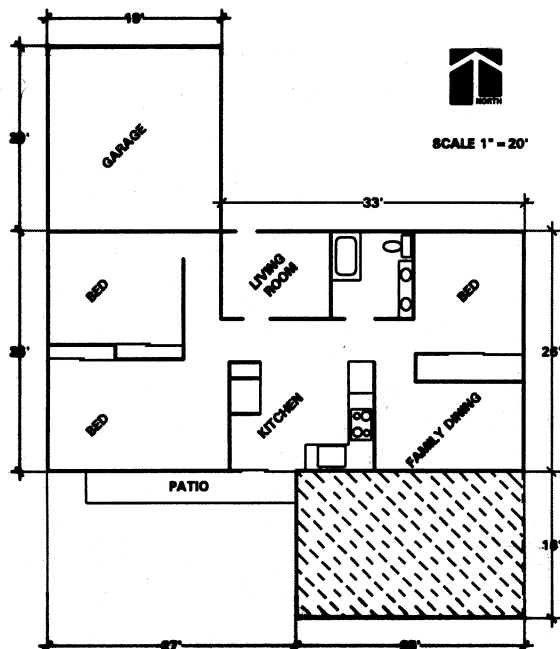
MEASUREMENTS REQUIRED FOR ALL PROPOSALS REQUIRED INFORMATION:



SITE DATA

Zoning	R1-6
Lot Area	6800 sq.ft.
Existing House Area	1966 sq.ft.
Proposed Addition	400 sq.ft.
Street R/W	50'
Alley Width	20'
Setback Required	7' side yard 25' front yard 15' rear yard 10' rear yard
Setback Requested	

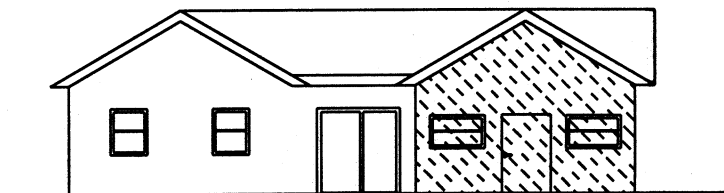
Typical Floor Plan



Typical Elevation (4 required)

INDICATES BUILDING ADDITION

SCALE 1" = 20'

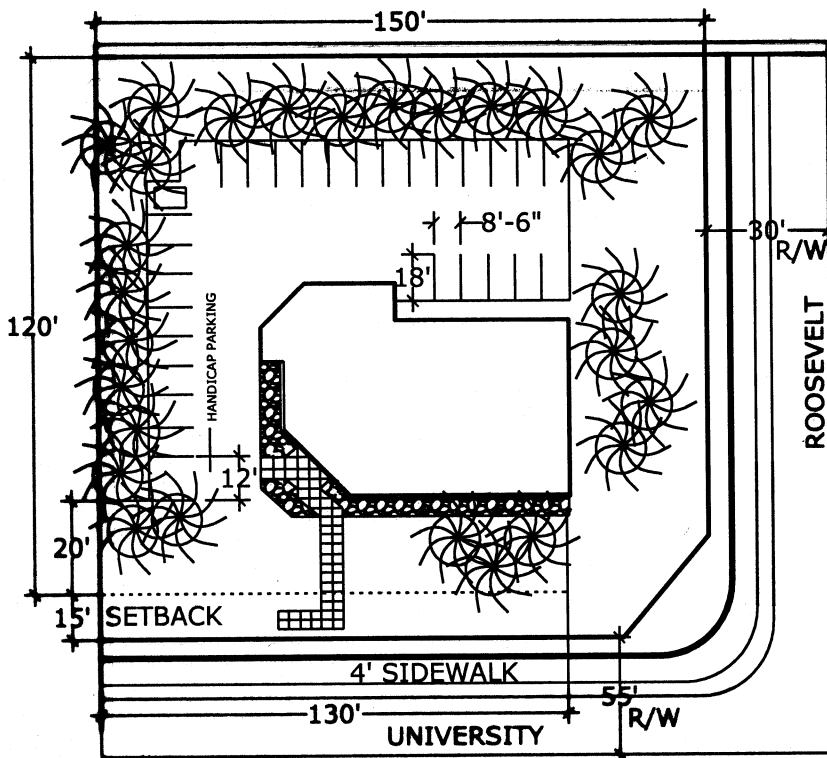


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Typical Site Plan (Commercial)



SITE DATA

Zoning
Size Area
Site Coverage

C-1
19,000 sq.ft.
21%

Building
Lower Level
Ground Level

Use
Storage
Bus., repair
Bus., studio
Retail

Sq.Ft.	Pkg. Req.
2630	5.26
	12.10
4000	3.90
3120	12.48
Total	33.74 spaces

Upper Level

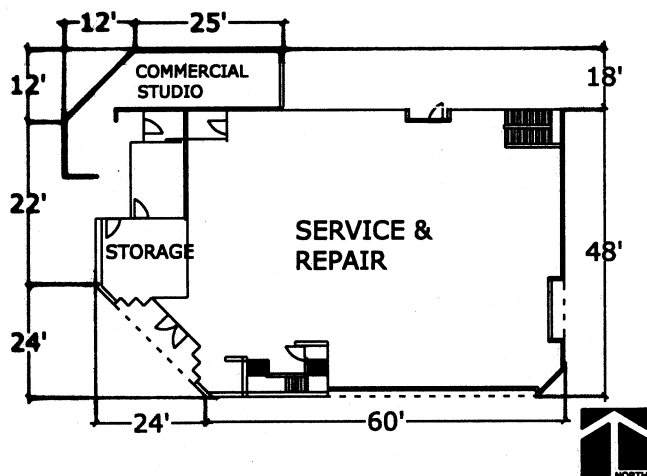
Parking Provided

28 spaces



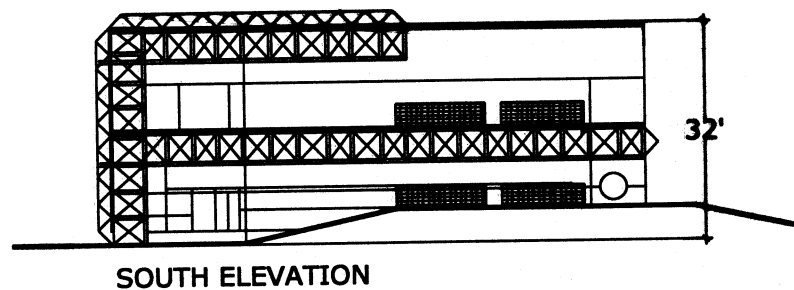
SCALE 1"=20'

Typical Floor Plan



SCALE 1"=20'

Typical Elevation (4 required)



**AFFIDAVIT OF PUBLIC
HEARING NOTIFICATION FOR
PROPERTY OWNERSHIP LIST
AND MAP**

Development Services Department
Planning Division
31 East Fifth Street
Tempe, AZ 85281
480-350-8331 FAX 480-350-8872
www.tempe.gov



APPLICANT: Check one of the following boxes:

- | | |
|--|---|
| <input type="checkbox"/> ARCHITECT/ENGINEER | <input type="checkbox"/> OWNER |
| <input type="checkbox"/> ATTORNEY | <input type="checkbox"/> OTHER _____ |

For all applications requiring a public hearing, Zoning Ordinance 808, Section 1, Part III, H., states that the applicant shall be responsible for providing a correct vicinity ownership/tenant list along with a corresponding ownership map of all parcels within 300' radius of the proposed project's exterior boundaries.

All property ownership information may be obtained first hand from the County Assessor's office or a title company for a minimal fee. This information may also be obtained from the City of Tempe, free of charge, but it should be understood that the City's information is obtained from a reputable second party and the City cannot assume responsibility for information which may not be up-to-date. Tenant information for all parcels should be obtained from the current property owner or their designee.

NOTE: The applicant should be aware that inaccurate information might cause a delay in the processing of their application.

Please be advised that by signing this form the applicant assumes all responsibility for providing accurate information and will not hold the City of Tempe responsible for any information regarding ownership lists, labels and maps.

NAME: _____
(PRINT NAME OF APPLICANT OR AUTHORIZED AGENT)

SIGNATURE: _____ **DATE:** _____
(APPLICANT OR AUTHORIZED AGENT)

Project Submittal

TRACKING NO. DS _____



City of Tempe
Development Services Dept.
P.O. Box 5002
31 E. 5th Street
Tempe, Arizona 85282-5002

BP _____

PC _____

CA _____

PPC _____

X _____

Planning Phone 480-350-8331

Building Phone 480-350-8341

PLEASE PRINT

PROJECT NAME:		DATE:	
PROJECT ADDRESS:		SUITE NO:	PARCEL NO:
PROPOSED USE OF BLDG/SUITE:		EXISTING ZONING:	
LEGAL DESCRIPTION: <input type="checkbox"/> Attached		MCA CODE:	1/4 SECTION
REQUIRED	COMPANY OR FIRM NAME:		TELEPHONE: ()
	APPLICANT'S NAME:		FAX: ()
	APPLICANT'S ADDRESS: CITY		STATE ZIP
	<input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> ATTORNEY <input type="checkbox"/> OTHER _____		E-MAIL ADDRESS
REQUIRED	COMPANY OR FIRM NAME:		E-MAIL ADDRESS
	OWNER'S NAME:		TELEPHONE: () FAX: ()
	OWNER'S ADDRESS: CITY		STATE ZIP
	DESCRIPTION OF WORK/REQUEST:		
APPLICANT'S SIGNATURE: REQUIRED			VALUATION

FOR DEPARTMENT USE ONLY

PLANNING (480-350-8331)	Fees	BUILDING (480-350-8341)	Fees	No. of Sets of Plans Submitted:	
<input type="checkbox"/> Prelim Site Plan Review	_____	<input type="checkbox"/> Building	_____	_____ Building	
<input type="checkbox"/> Design Review	_____	<input type="checkbox"/> New	_____	_____ Fire	_____ Planning
<input type="checkbox"/> Design Review Sign	_____	<input type="checkbox"/> Complete	_____	_____ Signs	_____ Engineering
<input type="checkbox"/> Sign Permit	_____	<input type="checkbox"/> Prelease	_____		
<input type="checkbox"/> B of A/Hearing Officer	_____	<input type="checkbox"/> Basic	_____	<input type="checkbox"/> Soils Report	<input type="checkbox"/> Application / Material
<input type="checkbox"/> Recordation	_____	<input type="checkbox"/> Add/Alt	_____	<input type="checkbox"/> Specs Book(s)	<input type="checkbox"/> Parking Analysis
<input type="checkbox"/> Other _____	_____	<input type="checkbox"/> TI	_____	<input type="checkbox"/> Struc Calcs	<input type="checkbox"/> Color Board
<input type="checkbox"/> P & Z <input type="checkbox"/> CC	_____	<input type="checkbox"/> AFES (overhead)	_____	<input type="checkbox"/> Hydraulic Calcs	<input type="checkbox"/> Report _____
<input type="checkbox"/> Zoning	_____	<input type="checkbox"/> Res	_____	<input type="checkbox"/> Haz Mat Form	<input type="checkbox"/> Other _____
<input type="checkbox"/> PAD	_____	<input type="checkbox"/> Pool	_____	VALIDATION	
<input type="checkbox"/> Subdivision/Condo	_____	<input type="checkbox"/> Demo	_____		
<input type="checkbox"/> Site Plan	_____	<input type="checkbox"/> Grading Only	_____		
<input type="checkbox"/> Development Plan	_____	<input type="checkbox"/> MEP	_____		
<input type="checkbox"/> General Plan 2020 Amend	_____	<input type="checkbox"/> Mobile Home	_____		
ENGINEERING (480-350-8341)		<input type="checkbox"/> Factory Built Bldg	_____		
<input type="checkbox"/> Engineering	_____	<input type="checkbox"/> Revision	_____		
<input type="checkbox"/> Revisions	_____	<input type="checkbox"/> New Standard Plan	_____		
<input type="checkbox"/> Other _____	_____	<input type="checkbox"/> Permits For Std. #	_____		
FIRE (480-350-8341)		<input type="checkbox"/> Other _____	_____		
<input type="checkbox"/> Tanks	_____	<input type="checkbox"/> NTC	_____		
<input type="checkbox"/> Special Extinguishing System	_____	<input type="checkbox"/> Suite Assignments	_____		
<input type="checkbox"/> Dust Collection Systems	_____				
<input type="checkbox"/> Spray Paint Booth	_____				
<input type="checkbox"/> AFES (underground)	_____				
<input type="checkbox"/> Other _____	_____				
				TOTAL VALUATION	FILE WITH:
				\$	
				TOTAL SUBMITTAL FEES:	REC'D BY:
				\$	

Plans and drawings submitted for Planning Division processes are subject to dissemination to the public

INSTRUCTIONS FOR PROJECT SUBMITTAL

PROJECT INFORMATION

NAME: Subdivision Name/Plan of Development, etc.

ADDRESS: Site address, assessor's parcel number, and suite number

PROPOSED USE: i.e. single-family residence, office, medical office retail, school, restaurant, office/warehouse, carport, manufacturing, 68 unit apartment, 72 unit hotel, etc.

EXISTING ZONING: Zoning at time of application

LEGAL DESCRIPTION: Provide complete Legal Description of property on which permitted work will be done. If legal description is too long for space provided, attach a separate sheet with legal description.

APPLICANT/OWNER INFORMATION

Name, address, e-mail, telephone and FAX number of individual to be contacted for questions/corrections and notification of project status.

Applicant/Owner Information AND signature of Applicant required on all submittals.

DESCRIPTION OF WORK

PLANNING: i.e. site plan review, Design Review, signs, Board of Adjustment, Zoning/Rezoning, PADs, Subdivision/Condo, Development Plan, General Plan Amendment, etc.

BUILDING: i.e. interior remodel, addition to existing residence, prefabricated carport, construction due to fire damage, conversion of existing office to sales, conversion of garage or carport to living space, relocated building, revisions of an active permit, etc.

Classes of work include:

- NEW** all new non-residential buildings (multi-family, office, industrial, assembly, retail, other commercial etc.). All new construction must be further identified as 'Complete', 'Prelease' or 'Basic' type buildings. Upon final inspection approval 'Complete' buildings will receive a Certificate of Occupancy. 'Prelease' and 'Basic' buildings are shell buildings resulting in the issuance of a 'Letter of Compliance' with Certificate of Occupancies issued at the time of tenant build-out
- A/A** additions or alterations to an existing building that increases floor area or requires structural review.
- T.I.** tenant improvement work - no increase in floor area and no structural work.
- WB** tenant improvement without certificate of occupancy.
- AFES** automatic fire extinguishing systems.
- RES** all work (new, remodel, additions, etc.) relating to one and two family dwellings.
- POOL** swimming pools
- DEMO** this type of permit covers the demolition of an entire building and is not issued for demolition associated with interior work. Interior demolition work is covered under the building permit. Demolitions resulting from unauthorized construction (work done without permits) will require demolition permits.
- OTHER** that work which does not fit into any of the above categories, i.e. mobile homes, factory built buildings, retaining walls, prefabricated metal parking structures, relocated buildings, etc.
- MEP** application is for mechanical, electrical, or plumbing work only.
- NTC** citation issued for doing any work above requiring a permit. NTC requires the addition of an investigation fee to the permit fees. May also apply to variance applications.

ENGINEERING: on-site, storm water retention, refuse enclosures, curb cuts, etc

FIRE: installation of fuel tanks, spray paint booths, review of hazardous material forms, dust collection systems, etc.